

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BIG RED MANAGEMENT CORP., on  
behalf of itself and all others similarly  
situated,**

Plaintiff,

v.

**ZURICH AMERICAN INSURANCE  
COMPANY,**

Defendant.

**CIVIL ACTION**

**NO. 20-2113-KSM**

**ORDER**

**AND NOW**, this 7th day of January, 2022, upon consideration of Defendant's Motion to Dismiss Plaintiff Big Red Management Corp's Amended Complaint (Doc. No. 41), Plaintiff's Memorandum of Law in Opposition to Defendant's Motion to Dismiss for Failure to State a Claim (Doc. No. 42), Defendant's Reply Brief in Further Support of Motion to Dismiss (Doc. No. 43), Plaintiff's Sur-Reply in Opposition to Defendant's Motion to Dismiss for Failure to State a Claim (Doc. No. 44), Defendant's Notice of Supplemental Authorities in Support of Its Motion to Dismiss the Amended Complaint (Doc. No. 48), Plaintiff's Response to Defendant's Notice of Supplemental Authorities (Doc. No. 49), Plaintiff's Notice of Supplemental Authority (Doc. No. 50), Defendant's Response to Plaintiff's Notices of Supplemental Authority (Doc. No. 52), Plaintiff's Response to Defendant's Response to Plaintiff's Notices of Supplemental Authorities (Doc. No. 53), Defendant's Response to Plaintiff's Reply in Support of Its First and Second Notices of Supplemental Authorities (Doc. No. 55), Defendant's Second Notice of Supplemental Authorities in Support of Its Motion to Dismiss the Amended Complaint (Doc.

No. 51), and Defendant's Third Notice of Supplemental Authorities in Support of Its Motion to Dismiss the Amended Complaint (Doc. No. 54), it is **ORDERED** that Defendant's Motion to Dismiss is **GRANTED**, and Plaintiff's Amended Complaint (Doc. No. 40) is **DISMISSED WITH PREJUDICE**.  
**IT IS SO ORDERED.**

*/s/ Karen Spencer Marston*

---

KAREN SPENCER MARSTON, J.